

### **REMARKS/ARGUMENTS**

The office action of February 1, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 20, 29-32, 35-36, 41, 43, 45, and 47 have been amended to present the claims in a more preferred form. Claims 49-50 are new. Reconsideration and allowance of the instant application are respectfully requested. Claims 16-22, 26-32, 35-37, and 41-48 remain pending.

Claims 35-37 stand objected to as they depend upon canceled claim 15. Applicant thanks the Examiner for noting the need to correct dependency. In response, Applicant has amended the dependency of claims 35 and 36 to depend from claim 41. As such, withdrawal of the objection is respectfully requested.

Claims 45 and 47 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Action indicates that claims 45 and 47 are directed to a receiver but the receiver does not comprise any components and therefore has no structure. Without acquiescing to the rejection, Applicant has amended claims 45 and 47 to present the claims in a more preferred form. Withdrawal of the present rejection is respectfully requested.

Claims 16-22, 26-32, 35-37, and 41-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dahlman et al. (U.S. Pat. No. 6,222,875, hereinafter referred to as *Dahlman*). Applicant respectfully traverses.

Applicant's independent claim 41 recites, among other features, "making an estimate of the spreading factor used to transmit the data unit, using the calculated received power of the decoded initial portion of the control unit and the calculated received power of the decoded initial portion of the data unit." Such a feature is not taught or suggested in *Dahlman*. In fact, *Dahlman* is not concerned with the estimation of a spreading factor.

On page 3 of the Office Action, the Action states, "[o]nce the PCCH is demodulated and decoded, the PCCH provides a PDCH spreading factor to the PDCH demodulator (figure 1). The decoding takes place using this spreading factor estimate." However, there is no support provided in *Dahlman* for such a statement. In fact, estimation of anything in *Dahlman* is only

described once. In col. 6, lines 7-10, *Dahlman* states that partially despread signals are first integrated at blocks 68 and 70 and then modified based upon the channel estimates at blocks 72 and 74. Whether with respect to this portion or any other portion, *Dahlman* is silent with respect to estimation of a spreading factor. Indeed, as the method described in *Dahlman* indicates that the spreading factor used in the receiver is known (col. 3, ll. 66-67), there would therefore be no need, having read *Dahlman*, to develop a method which involves making an estimate of the spreading factor used to transmit a data unit, as required by Applicant's claim 41.

Still further, *Dahlman* is silent with respect to calculation of received powers of the decoded initial portion of the control unit and the decoded initial portion of the data unit. The Action fails to cite any portion of *Dahlman* as teaching or suggesting such features as recited in Applicant's claim 41. As such, for at least the above-identified reasons, *Dahlman* fails to teach or suggest each and every feature of the claim 41. Withdrawal of the rejection is respectfully requested.

Applicant's claims 16-22, 26-32, 35-37, and 42, which depend from claim 41, are allowable over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. For example, the Action cites column 4, lines 1-5 of *Dahlman* as allegedly describing the features of Applicant's claims 20 and 29-32. (Action, p. 4). However, *Dahlman* does not disclose making an estimate of a spreading factor, and does not disclose an estimate that "is calculated by matching a relationship between the received powers of the control unit and the data unit with a member of a set of known possible power relationships, wherein each member of the set corresponds to one of the spreading factors" as recited in dependent claims 20 and 29-32.

Further, dependent claim 35 recites, "wherein the estimate of the spreading factor used to transmit the data unit is different from the assumed spreading factor used to decode the initial portion of the data unit." As alleged by the Action, "[t]he estimate of the spreading factor used to transmit the data will correspond to the estimated spreading factor used to decode the PDCH." (Action, p. 3). However, even assuming, without admitting, that such a correspondence is accurate, the Action thereby admits that *Dahlman* does not teach or suggest the estimate of the spreading factor used to transmit the data unit being different from the assumed spreading factor

used to decode the initial portion of the data unit. As such, Applicant's claim 35 is at least allowable over *Dahlman* for this additional reason.

Applicant's independent claims 43, 45, and 47-48 include similar features as described above with respect to Applicant's claim 41. For at least similar reasons as Applicant's claim 41, Applicant's independent claims 43, 45, and 47-48 are allowable over the art of record. Withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3155.

Respectfully submitted,  
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